

REMARKS/ARGUMENTS

Claims 1-5, 7, 8, 12-23, 25-28, and 30-46 are pending in the present application, of which claims 1, 12, and 25 are independent. Claims 6, 9-11, 24, and 29 are hereby canceled without prejudice to or disclaimer of the subject matter previously recited therein. Claims 1-5, 7-8, 12-23, 25-28, 30-42, 44, and 46 are hereby amended. No new matter has been added.

REJECTIONS UNDER 35 U.S.C. § 103(A)

On pages 2-11, the Office Action rejects claims 1-22, 24-41, and 43-46 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent Application No. 2004/0255151 to Mei et al. (hereinafter “Mei”) in view of an article entitled “Real-time SLA Monitoring Tools” to Warter (hereinafter “Warter”). On page 12, the Office Action rejects claims 23 and 42 under 35 U.S.C. § 103(a) as allegedly unpatentable over Mei in view of Warter and further in view of U.S. Patent Application No. 2002/0049841 to Johnson et al. (hereinafter “Johnson”). Applicant respectfully traverses these rejections for the reasons detailed below.

Independent claims 1, 12, and 25, as amended, now recite the following subject matter: “the arrival curve parameters comprising at least a slope and an ordinate intercept” (emphasis added). This subject matter finds support, for

example, in paragraph [0053] of the specification. Applicant respectfully submits that the references of record do not disclose, teach, or suggest this subject matter.

On page 3, the Office Action correctly concedes that Mei does not expressly disclose the adjustment of arrival curve parameters. The Office Action then attempts to remedy Mei's admitted deficiency by alleging that Warter's "verifiers" perform this function. However, Applicant respectfully submits that Warter is silent regarding arrival curve parameters that comprise "at least a slope and an ordinate intercept."

On page 5, the Office Action alleges that Mei provides a "two parameter arrival curve." However, Applicant respectfully submits that paragraph [0029] of Mei discloses neither a slope nor an intercept. Instead, Mei specifies the condition of a security rule as a conjunction of four predicate classes: destination-ID, attack-signature, attack-count, and health. Applicant respectfully submits that, because none of these predicate classes correspond to the claimed subject matter of arrival curve parameters that comprise "at least a slope and an ordinate intercept," independent claims 1, 12, and 25 are allowable over Mei in view of Warter.

Applicant also submits that Johnson fails to remedy the deficiencies of Mei in view of Warter described above. On page 12, the Office Action relies upon Johnson for a teaching of "redirection decisions" in paragraph [0271]. However, Johnson

lacks any teaching of arrival curve parameters that comprise “at least a slope and an ordinate intercept.”

Claims 2-5, 7-8, and 44 depend from claim 1. Claims 13-23 and 45 depend from claim 12. Claims 26-28, 30-43, and 46 depend from claim 25. Thus, Applicant respectfully submits that claims 2-5, 7-8, 13-23, 26-28, 30-46 are allowable at least on the basis of their respective dependencies from allowable independent claims. Claims 6, 9-11, 24, and 29 are hereby canceled without prejudice to or disclaimer of the subject matter previously recited therein. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1-46 under 35 U.S.C. § 103(a).

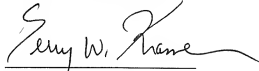
CONCLUSION

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

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In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
KRAMER & AMADO, P.C.

A handwritten signature in black ink, appearing to read "Terry W. Kramer", written over a horizontal line.

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